

ACCESS TO CRIMINAL HISTORY RECORDS FOR STATE SENTENCING COMMISSIONS ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6412) to amend title 28, United States Code, to require the Attorney General to share criminal records with State sentencing commissions, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6412

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Access to Criminal History Records for State Sentencing Commissions Act of 2010".

SEC. 2. ATTORNEY GENERAL TO SHARE CRIMINAL RECORDS WITH STATE SENTENCING COMMISSIONS.

Section 534(a) of title 28, United States Code, is amended by inserting after "the States" the following: ", including State sentencing commissions".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, H.R. 6412 is a short, but very important, piece of legislation. The bill will allow State sentencing commissions to obtain direct national criminal history record information maintained by the Department of Justice. These commissions, the State commissions, perform critical functions. They shape State policies that promote fairer, more consistent sentencing practices. They help protect public safety and address the impacts of crime on victims and the community. They develop tools to assess the seriousness and risk of offenders so that high-risk, dangerous offenders can be handled appropriately, and low-risk low-level offenders can be placed in appropriate evidence-based programs.

They project the impacts of State legislation, regulations, and policies on correctional populations, personnel needs, and fiscal requirements. They evaluate the effectiveness of sentencing and corrections programs, particularly in terms of outcomes, offender recidivism, and cost-benefit analysis.

Currently, State sentencing commissions are only able to receive out-of-

State and Federal criminal history information through third parties, if at all. The effectiveness of the work of these commissions is consequently undermined by missing or incomplete information, particularly with respect to research relating to recidivism in jurisdictions with large populations near their State borders. Allowing State sentencing commissions to access complete and accurate criminal history information will improve the administration of justice by enhancing the effectiveness of sentencing decisions and program placements. Access to this information will also improve research concerning sentencing outcomes and recidivism.

This bill will simply put State commissions in the same position as the Federal Sentencing Commission in terms of access to this information. The United States Sentencing Commission is already afforded access to this information, subject to a transfer agreement with the Department of Justice, which protects the confidentiality of these records. I would expect the Department of Justice to treat State commissions the same way once the legislation is enacted.

I appreciate the assistance of Chairman CONYERS and Ranking Member SMITH for their bipartisan support of this important legislation. I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6412, the Access to Criminal History Records for State Sentencing Commissions Act of 2010. This amends the Federal law to direct the Attorney General to share criminal history records with State sentencing commissions.

I am proud to say that although it's not as rare as the chances I have to agree with the Senator from New York, I do agree with my friend from Virginia more often than that, and it is good to be able to be here and support the legislation which he brings to the floor.

Over a dozen States operate sentencing commissions that, similar to the U.S. Sentencing Commission, promulgate guidelines to provide uniform sentences for criminal offenses. Many State sentencing commissions also collect and report statistics on the types of crimes, the lengths of sentences, the rates of recidivism, and other important public safety data.

Federal law has required the Attorney General to collect criminal history records and share such records with State and local governments, Indian tribes, penal institutions, and the U.S. Sentencing Commission. However, interestingly enough, State sentencing commissions are not currently eligible to participate in this exchange. H.R. 6412 corrects this omission by amending the Federal law to add State sentencing commissions to the list of entities authorized to obtain criminal history records.

There is an old adage that all crime is local. And in many respects, that is still true today. But while crime still may be local, oftentimes the criminal is not. Today, more than ever, criminals move from one State to the next, or across the country, leaving a trail of criminal records behind them. Public safety officials rely upon shared criminal history records to apprehend fugitives and to identify dangerous criminals.

Prosecutors and the courts depend on these records to assess penalties. And sentencing commissions need this data to accurately report sentencing data and to ensure that their sentencing guidelines provide fair and appropriate punishment. So I urge my colleagues to support this bill brought to us by Mr. SCOTT of Virginia.

I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from California for supporting bills introduced by this side of the aisle. In light of the change in leadership next year, I hope he continues in that great tradition.

Mr. Speaker, I urge my colleagues to support the bill, and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 6412.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6 p.m. today.

Accordingly (at 5 o'clock and 19 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ALTMIRE) at 6 p.m.